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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 April 2000, at 6.20 p.m.

Chairman: Mr. IBRAHIM (Sudan)
(Vice-Chairman)

later: Mr. JAKUBOWSKI (Poland)
(Vice-Chairman)

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The meeting was called to order at 6.20 p.m.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

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(agenda item 11) (continued) (E/CN.4/2000/3 and Add.1-3, 4 and Add.1-2, 9 and Add.1-3, 54-56 and Add.1-2, 57-60 and Add.1, 61 and Corr.1 and Add.1-2, 62, 63 and Add.1-4, 64 and Add.1, 65, 115, 125, 126, 132, 133 and 135; E/CN.4/2000/NGO/2, 6, 9, 10, 20, 27, 29, 33, 41, 45, 50, 60, 62-64, 78-81, 91, 92, 95, 104-106, 111, 118, 126, 129-135, 138, 141 and 143; E/CN.4.Sub.2/1999/27; A/54/177 and Corr.1)

1. Mr. MADADHA (Observer for Jordan) said that the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) wrongly stated that some 25 women were killed for crimes of honour each year in Jordan; that represented one in four of the total number of homicides. According to figures published by the Jordanian Public Security Department, 20 out of 105 murders committed in 1997 had been crimes of honour and, in 1998, the number had decreased to 6 out of 92, all of which had been prosecuted. The Jordanian authorities did not "maintain a deadly and deliberate silence" about honour killings. Following the national appeal by the late King Hussein to shun violence against women and children, there had been a sharp drop in honour crimes; King Abdullah II had called for any laws that might be deemed discriminatory against women to be amended and, under his instructions, the Government had drafted a bill to repeal article 340 and terminate the absolving excuse. Unfortunately, the bill had twice failed to be adopted by the Lower House of Parliament, whose democratic rights could not be overruled. However, the repeal of the article would in itself not suffice. Crimes of honour were the result of social pressure and indoctrination and traditions and customs could not be changed overnight.

2. With regard to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2000/64 and Add.1-2), he requested that a corrigendum to paragraph 61, which had been formally recognized to contain erroneous information, should be issued in accordance with normal United Nations procedures and that the corrections should appear in the official records.

3. He was happy to report that a Royal Commission for Human Rights, which was to be headed by H.M. Queen Rania and would be particularly concerned with issues affecting women and children, had been established. That measure reflected Jordan's profound attachment to human rights, which it believed that the United Nations had done so much to promote, particularly through its technical assistance and advisory programmes and its monitoring bodies and special rapporteurs.

4. Mr. TEKLE (Observer for Eritrea) said that, despite an imposing array of United Nations instruments affirming and protecting the right to a nationality, including article 13, paragraph 2, of the Universal Declaration of Human Rights on the right to return to one's country, the deprivation of those rights was being deliberately practised to promote and consolidate the political power of minority racist regimes. Some States had employed the tactic of denying that persons deported by them on grounds of ethnicity were citizens. If such expedients were admissible, there could be no legal limits to the ethnic cleansing of an unwanted portion of a population. His delegation believed that such a mockery of human rights would increasingly be practised unless the international community dealt effectively with the issue of impunity. On that point, it was encouraged by the International Law Commission's recent conclusions on principles relating to nationality and by the precedent set by the Statute of Rome of the International Criminal Court in July 1998.

5. Mr. SANNIKOV (International League for Human Rights), speaking also on behalf of Charter 97, a Belarusian citizen's human rights initiative, said that it was essential to follow up the report of the Special Rapporteur on the right to freedom of opinion and expression (E/CN.4/2000/63 and Add.1-4), which had criticized the situation in Belarus, particularly because of the further deterioration that had occurred since his visit. The regime had lost its legitimacy in July 1999, when President Lukashenko's term of office had expired. The subsequent increasingly severe restriction of freedom of expression had been applied by means of the State monopoly on radio and television and the use of economic measures, including a sharp increase in distribution costs and bans on advertising by State-controlled companies in the independent press. In January 2000 the State Committee on the Press had taken further repressive measures, including closing newspapers down for publishing information "harmful to State interests". It had become apparent that the forthcoming parliamentary elections could be neither free nor fair in the absence of freedom of the press and free public debate. Attempts by democratic forces to protest by holding peaceful demonstrations had been met by violent repressive measures against participants, including Belarusian and foreign journalists. More generally, opponents of the regime were subject to phone tapping and the harassment of their families.

6. He called on the Commission to appoint a Special Rapporteur on Belarus and to organize visits to Belarus and follow-up meetings with the Government.

7. Mr. TEHRANI (Organization for Defending Victims of Violence) said that there was serious concern at the international and national levels about threats to the free flow and balanced dissemination of information resulting from advances in communication technology, which could create obstacles to the promotion of multiculturalism, particularly as a consequence of selectivity imposed by private ownership and monopoly. At the national level, the exercise of freedom of opinion and expression was an important factor in promoting the growth of open

societies, as shown by encouraging signs of progress in Iran. He called on the Commission and its Special Rapporteur to report violations of the free flow of information, which the United Nations should endeavour to promote as widely as possible, particularly because of the gap between rich and underdeveloped countries.

8. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples), citing examples of continuing grave abuses of human rights, said that Mr. Akin Birdal, Vice-President of the Turkish League of Human Rights, had been sent back to prison yet again after miraculously surviving shooting by fascist aggressors, his crime being to have expressed a rational view on the armed conflict in Kurdistan. The United States authorities were refusing to allow the American Indian, Mr. Leonard Peltier, to be transferred for an operation on his seriously diseased jaw. In Iran, courts were continuing to hand down shocking sentences, such as stoning, amputation, flogging and even castration. The common use of torture, mentioned by the Special Rapporteur on torture, was illustrated by the 1995 murders of three Protestant clergymen, which had first been attributed to the opposition, although it had subsequently turned out that the murderers belonged to the intelligence service. The Iranian judicial authorities should also be required to account for the fate of a large number of students arrested after a peaceful demonstration in July 1999, four of whom were known to have been sentenced to death. In that case and in the case of the Jews arrested for spying for Israel, there was a complete lack of clear and reliable information.

9. His organization called on the Commission to adopt a strong resolution on the aberrant methods of Iranian justice.

10. Mr. RAVENNA (Asamblea Permanente por los Derechos Humanos) said that his organization joined other NGOs in calling for the prompt ratification of the Rome Statute establishing the International Criminal Court and was concerned about the considerable amount of time it was taking the Government of Argentina to do so.

11. It was also concerned about the reluctance of some Latin American States to allow the monitoring of the implementation of human rights and, in particular, about the July 1999 decision by the Government of Peru to remove itself from the jurisdiction of the Inter-American Court of Human Rights. Similarly regrettable was the proposal by the Governor of the Province of Buenos Aires that his country should withdraw from the Pact of San José de Costa Rica and the inexplicable failure by a number of Latin American countries to ratify that Pact. It had still not been ratified by the United States 30 years after its signature and had neither been adopted nor ratified by the Bahamas, Belize, Canada, Cuba, Guyana, St. Kitts and Nevis, San Vicente, the Grenadines and Santa Lucia.

12. With regard to the Pinochet case, his organization supported the legal action taken outside Chile and hoped that that international criminal would be duly tried in his own country. The issue of impunity also arose in connection with the promotion in rank of military personnel who had been involved in serious violations of human rights during the period of dictatorship from 1976 to 1983, which had recently been approved by the Argentine Executive, despite protests by human rights organizations in Argentina.

13. Mr. AKH'YAD (Transnational Radical Party) said that the signature of international human rights instruments had not stopped States from continuing to violate the human rights of their peoples. An example was the action of the Russian Government, which, on the basis of unproven allegations that Chechens had been responsible for the bombings of residential blocs in Russian towns, had unleashed a military assault on Chechnya that had so far claimed 140,000 victims. One episode might be singled out to illustrate the multiple horrors of the campaign: on the night of 6 February 2000, a 17-hour bombardment had rained down on the settlement of Gekhi-Chu, followed by an assault by over 500 soldiers which had resulted in the destruction of all dwellings and the deaths of 60 inhabitants, including women and children. He called on the Commission to investigate the Chechnya situation and place it on the agenda of its next session.

14. Mr. MANCISIDOR (Fédération des Associations pour la Défense et la Promotion des Droits de l'Homme), drawing attention to paragraph 77 of the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3), said that not only the support of paramilitary groups by government forces mentioned therein, but also the deliberate targeting of the civilian population were confirmed by document E/CN.4/2000/NGO/50. The document also cited evidence of subsequent impunity in the case of the deaths of a Spanish citizen, Iñigo Eguiluz Telleria, and a Colombian priest, Jorge Luis Mazo, murdered on 18 November 1999 in the performance of their humanitarian activities by a group of paramilitaries with the complicity of civil and military authorities in the region. The denial of the right of representatives of the victims to participate in the judicial inquiry and irregularities in the handling of relevant documents were a clear violation of the right to due process of law. His organization called on the Colombian Government to demonstrate its determination to combat paramilitarism and impunity, and requested the Commission to urge its members, especially those from the European Union and the United States, to make all international aid to Colombia that might be used for military or police actions in violation of human rights conditional on respect by Colombia for those rights and, in particular, objectively verifiable results of action to combat paramilitarism and impunity.

15. Given the seriousness of impunity in cases of human rights violations, the Commission should also review the effectiveness of its mechanisms, including regional systems, for the protection of human rights, particularly in view of Peru's recent decision to withdraw its recognition of the jurisdiction of the Inter-American Court. At the collective level, the International Criminal Court would have an essential role to play and it was regrettable that so many countries, including the United States, Russia, China and India, had not yet ratified the Rome Statute.

16. Mr. RAI (Liberation) said that the claim by the Deputy Prime Minister of Yemen that his country had introduced measures to improve human rights was not borne out by the facts: the Local Authority Law was undemocratic; the National Committee for Human Rights was run by security and intelligence people, themselves accused of violations; protection against kidnapping and murder was inadequate; illegal detentions, torture, enforced disappearances and extrajudicial executions continued; there was no right to a fair trial or freedom of expression; and the security agencies had continued their armed aggression, killing and wounding many civilians. The Commission should urge the Yemeni Government to pursue a programme of comprehensive national reconciliation and reform its economic, judicial and constitutional systems.

17. His delegation was also concerned about the illegal arrest of a British resident, Balbir Singh Bains, by the Indian authorities and his detention, torture and indictment for carrying explosives - at the time he had been in police custody. His detention was known to United Kingdom Members of Parliament and journalists. The fabrication of charges involving explosives had become common in the Punjab, as shown by a recent Indian court judgement accusing the main Indian investigative agency of fabricating evidence. Those were among the signs of the deterioration of standards in Indian judicial practice, which had been commented on by the Chief Justice.

18. His organization was also concerned about the persecution of Christians and Muslims in India and about the growth of religious intolerance in the Punjab, including interference with Sikh religious institutions and practices.

19. Other matters of grave co... ern included the continuing practice of torture in detention centres and prisons in Bahrain and violations of the human rights of the Kurdish people in various territories. His organization maintained its criticism of the denial of food and medicine to the people of Iraq through the internal exploitation of international sanctions.

20. Mr. NAIR (South Asia Human Rights Documentation Centre) said that the human rights situation and the climate of impunity in Kashmir were profoundly disturbing. The situation was being exacerbated by the mutual recriminations of the two States parties concerned and the trivialization of its serious statements by government-organized NGOs. An illustration was the attack by police and paramilitaries against a procession in the outskirts of Anantnag which had killed 7 people and injured 11 others who were merely seeking to submit a memorandum to the authorities seeking a halt to routine kidnappings and disappearances. The Indian Government often cited punishments meted out to guilty officials but, unless the names, ranks and other details were provided to establish accountability, justice would not be seen to be done. Impunity was in fact receiving official licence through such legislation as section 197 (2) of the Indian Code of Criminal Procedure, which stated that "No court shall take cognizance of any offence alleged to have been committed by a member of the armed forces while acting in the discharge of his official duty, except with the previous sanction of the Central Government". India had yet to ratify the Convention against Torture and had filed reservations nullifying some of its important provisions. The Government had also refused to invite the Special Rapporteur on torture to visit the country despite repeated requests.

21. Mr. ESHAGHI (Nouveaux Droits de l'Homme) said that the Iranian judicial system had been responsible for over 120,000 political executions, hundreds of thousands of arbitrary arrests and the use of 175 forms of torture. In his recent report, the Special Rapporteur had observed that, in Iranian courts, defendants were deprived of the rights to a fair trial recognized by the international community. In the 1997 Law on the Registration of Advocates, they were required to be practising Muslims, to be committed to the Islamic Republic and never to have been associated with groups hostile to Islam and the Islamic Republic. The Special Rapporteur had also referred to grave deficiencies in the treatment of detained persons awaiting trial, forced confessions, overcrowded prisons, the continued existence of detention centres outside the official prison system and the denial of the right to a fair trial. Torture and associated abuses were an integral part of the Iranian judicial system and he drew the Commission's attention to the existence of a video-cassette which had been made by the authorities of Ghast prison in

Tehran, had been smuggled out by the Iranian resistance and showed the commission of such atrocities as the tearing out of eyes and the amputation of fingers. It was a matter of the greatest urgency that steps should be taken to halt such barbarous practices, including the adoption of a strong resolution to that effect by the Commission.

22. Mr. REICH (Freedom House) said that, together with North Korea and Viet Nam, Cuba was one of the top three on his organization's annual list of "The most repressive regimes in the world". Despite the belief in many countries that Cuba was loosening the reins of State control, it was in fact moving towards greater repression. A new "anti-subversive law" adopted in 1999 imposed prison sentences of up to 20 years for unauthorized contacts with foreigners and the possession of subversive materials; the few remaining independent journalists were being persecuted; Cuba had one of the highest rates of political prisoners in the world; it was believed that there were over 400 such prisoners, many sentenced on such vague charges as "disseminating hostile propaganda" or "dangerousness". Perhaps the most striking illustration of the repressive use of the judicial system had been the trial and conviction of four leaders of the Internal Dissidents' Working Group, one of whom had been sentenced to five years' imprisonment, two others to four years each and the fourth to three-and-one-half years. Another victim was the President of the Lawton Foundation for Human Rights, who had been sentenced to three years' detention, expelled from the national health system and, along with his family, evicted from their home. Freedom House urged the Commission to carry out a full investigation of the human rights situation in Cuba as a mark of solidarity with the small and isolated democracy movement in that country.

23. The Commission should also investigate the Chinese Government's illegal detention and inhumane treatment of Falun Gong practitioners under the Convention against Torture and its offences against freedom of expression and religious tolerance under the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief. Falun Gong was a peaceful, spiritual discipline rooted in ancient Chinese culture, but, in the latter half of 1999, more than 35,000 practitioners had been arrested in Beijing alone, at least 5,000 sent to labour camps and over 500 sentenced to periods of up to 18 years in prison in a series of show trials. A 31-year-old pregnant practitioner had been pressured to have an abortion and severe torture in custody was widely reported.

24. Ms. ZARTNER (Human Rights Advocates, Inc.) said that, despite article 3 of the Convention against Torture providing no State party should expel, return or extradite a person to another State where there were substantial grounds for believing that he would be in danger of being subjected to torture, individuals seeking refuge were often detained, harassed and returned to their countries of origin without even a cursory examination of the basis of their fears. The importance of that article deserved the widest recognition because it afforded greater protection against "refoulement" than the provisions of other human rights instruments, particularly since it allowed no exceptions where torture was involved. Nevertheless, a number of countries disregarded the non-refoulement provision of the article, including Australia, Bulgaria, Libya, Mauritius, Russia, Senegal, the United Kingdom and the United States of America. The Committee against Torture, established to monitor the implementation of the Convention, was limited in its activity by the fact that violations by States came before it only when they submitted their periodic reports or allowed the Committee to carry out investigations within their territories - both of which many States failed to do. Her organization called on the Commission

to include a reminder to States in any resolution on torture to fulfil their human rights obligations, both on general grounds and specifically in compliance with article 3 of the Convention against Torture.

25. Mr. BRAFF (General Conference of the Seventh-Day Adventists) said that the rise of religious extremism and anti-religious sectarianism was anachronistic and profoundly disturbing. The mere fact of publishing and distributing lists of "dangerous" sects was a prima facie violation of article 18 of the Universal Declaration of Human Rights, and it was also a matter of surprise that the French and Belgian Governments should have established inter-ministerial missions to combat sects. The Seventh-Day Adventist community had also been shocked by the destruction of their one church in Turkmenistan on 14 November 1999 in what had appeared to be a consequence of the 1994 legislation directed against religious minorities. His organization hoped that the Government of Turkmenistan would reconsider its position.

26. He congratulated the Special Rapporteur on his excellent work on freedom of religion or belief and expressed appreciation of the Indian authorities' decision to allow the World Conference on Religious Freedom to be held in New Delhi in 1999. His organization also thanked the United Nations for its role as mediator with Governments in promoting the replacement of confrontation and persecution by dialogue.

27. Ms. HUANG (Robert F. Kennedy Memorial) said that her organization was particularly concerned about human rights violations in the administration of justice. Despite the action taken by the Commission at its fifty-fifth session, calling on the Colombian Government to institute judicial proceedings against members of the armed forces implicated in violations, to reform the Military Penal Code, to dismantle paramilitary forces and prosecute their members and to implement measures to protect human rights defenders, there had been no adequate response. Although three generals had been cashiered, no public emphasis had been placed on the human rights aspect of their offences and none had been prosecuted; the new Military Penal Code, which still permitted the military justice system to investigate and judge all cases of human rights violations, could not take effect until implementing legislation had been passed; far from being disbanded, paramilitary forces continued, as the High Commissioner for Human Rights had pointed out, to enjoy the support or tolerance of State agents; and attacks against human rights defenders, journalists and union leaders continued unabated. Moreover, impunity for human rights violations continued to be virtually total. The Commission should continue to monitor the situation in Colombia and provide all possible support for the High Commissioner's office in Bogotá.

28. Although the newly elected civilian Government in Indonesia had appointed a special State Minister of Human Rights and despite the independent inquiries undertaken by the national fact-finding commission, there was a continuing need to monitor violations in that country. The impunity problem was particularly serious in West Papua, where such violations as the shooting of four people during peaceful protests, injuries inflicted on 165 others and the detention and torture by military and security personnel had led to no prosecutions, while five leaders of a non-violent flag-raising ceremony were currently on trial for rebellion. Even more disquieting was the formation of a pro-Indonesia militia, similar to those that had sown terror throughout East Timor. Her organization urged the Commission to call on the Indonesian Government to: ratify and implement the International Covenants on Civil and Political Rights and Economic,

Social and Cultural Rights; to establish judicial mechanisms based on international human rights law; to invite the Special Rapporteur on the independence of judges and lawyers to visit the country; and to end the cycle of impunity by prosecuting those responsible for grave human rights violations.

29. In China, there had been a dramatic deterioration in the human rights situation, including arbitrary detention, imprisonment on political and religious grounds, torture and ill-treatment of detainees and deprivation of the rights to freedom of expression and association. There had been no response to the May 1999 petition by 126 family members for an investigation into the murders of the victims of Tianmen. Her organization urged the members of the Commission to support the resolution on China and send a clear message to the Government that violations of human rights were not acceptable.

30. Mr. DERYA (North-South XXI) said that, although Turkey had signed United Nations human rights instruments, it was taking advantage of its geographical and strategic position to continue to deny the Kurdish nation of 40 million people the right to exist. Under article 312 of the law relating to freedom of thought and expression, political and social organizations were constantly faced with the threat of torture, disappearance and extrajudicial killing and were denied the right to an adequate legal defence. As a result of criticism by human rights organizations, the European Union and the United States, both the Turkish President and the head of the Turkish Grand National Assembly Commission for Human Rights had been obliged to admit that torture was still in use. Nevertheless, the former Chairman of the Human Rights Association of Turkey, Mr. Akin Birdal, had once more been sent back to prison. The cessation of armed struggle by the PKK provided a unique opportunity for the Turkish Government to change the law on constitutional citizenship, end the state of emergency and abolish the repressive State Security Courts, thus bringing about a solution of the Kurdish problem and paving the way for the development of the entire country.

31. Mr. WIRATMADINATA (Third World Movement against the Exploitation of Women) said that, while the perpetrators of extrajudicial, summary and arbitrary executions in Indonesia enjoyed impunity, under the specious plea that the military and police had to be able to shoot on sight in order to maintain security and defend themselves, victims' families were denied all restitution. Most executions were taking place in areas where there were demands for self-determination, such as West Papua and Aceh; in areas where there was communal conflict, such as the Moluccan Islands; and in urban areas, where alleged criminals were shot on the pretext of combating crime and maintaining order. In Aceh, there had been at least 502 cases of such executions in the period between August 1998 and February 2000, many of the victims being civilians in villages entered by the military in search of guerrilla fighters.

32. Attempts to seek justice had so far been unsuccessful owing to the weakness of legal institutions, persistent military influence and lack of cooperation by the authorities. Whatever changes there might have been at the central Government level, there had been no positive impact at the grass-roots level, where the military was still in charge.

33. His organization called on the Commission to urge the Indonesian Government to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Indonesia, particularly the conflict areas, in 2000; and to remind Indonesia of its undertaking to ratify the International Covenant on Civil and Political Rights, also in 2000.

34. Ms. GABRIEL (Aliran Kesedaran Negara-National Consciousness Movement) said that the violation of civil and political rights in Malaysia had intensified since the dismissal and arrest of the Deputy Prime Minister and Minister of Finance, Mr. Anwar Ibrahim, whose long-running trial had given rise to concerns about the impartiality of the judge and other irregularities, as shown by the recent report of the mission by the International Bar Association, the Commonwealth Lawyers' Association and the Union Internationale des Avocats. In order to protect the corporate interests of his family and friends in the wake of the East-Asian economic crisis, the Prime Minister, Mahathir Mohamad, had ordered the arrest of his Deputies and launched a series of repressive measures. Under the 1960 Internal Security Act, which was itself a gross violation of human rights, interrogation techniques originally employed against communist insurgents had continued to be used and such repressive laws as the Printing Presses and Publications Act, the Sedition Act and the Official Secrets Act were being also used to silence dissent. Freedom of assembly was restricted by the requirement of obtaining a police permit in advance and by the continuing ban on political rallies and the prohibition of political gatherings even in private houses. Prominent victims of such measures included the youth leader of the National Justice Party and the editor of Harakah, the official newspaper of the Islamic Party, which had also been obliged to reduce the frequency of its publication.

35. Ms. RISHMAWI (International Commission of Jurists), welcoming the general report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/2000/61) and his report on his mission to Guatemala (E/CN.4/2000/61 and Add.1), said she was pleased to note that Belarus, Mexico, Saudi Arabia and South Africa had invited the Special Rapporteur to visit. The continuing need for his work was confirmed by the ICJ annual report, Attacks on Justice, which reported reprisals, including arrest, physical attack and torture, against at least 382 jurists in 40 countries in 1999, of which those in Colombia and Sri Lanka deserved special mention.

36. The right of defence was seriously undermined in Belarus and in Azerbaijan, and lawyers were harassed in Egypt, Peru, Sudan and Tunisia. The absence of an independent inquiry into the murders of two leading human rights lawyers in Northern Ireland was also a cause of deep concern, particularly because of the suggestion of possible collusion by the Royal Ulster Constabulary. The impunity enjoyed by State officials, particularly members of the military, in countries such as Guatemala and Mexico was a serious obstruction of justice, as were exceptional systems, such as the military courts empowered to try civilians in Egypt and the concealment of the identity of prosecution witnesses in the Colombian court system. Insecurity of tenure for judges threatened their independence, particularly in Peru, but also Ecuador, Guatemala and Mexico; and the partisan election of judges in some states of the United States of America could lead to the politicization of the judiciary. Her organization commended the Chief Justice and the score of judges in Pakistan who had refused to take a fresh oath of allegiance to the military-imposed Provisional Constitutional Order. Allegations of corruption and inefficiency had been used in some countries, for example Venezuela, as a pretext to attack the

judiciary and the dependence of Russian Federation courts on local funding increased the risk of improper political influence and prevented them from working efficiently when funding was inadequate.

37. The findings of a mission on behalf of four leading organizations of jurists, released on 5 April 2000, were that the independence of judges and lawyers was seriously threatened in Malaysia, as was the institutional autonomy of the Bar. The report also expressed serious concern about the fairness of the trial of the former Deputy Prime Minister and it documented the defamation proceedings against the Special Rapporteur on the independence of judges and lawyers. Her organization called on the Commission on Human Rights to take steps to ensure that Malaysia fulfilled its obligations under international law and urged it to stand firm against attempts to remove the Special Rapporteur from his mandate.

38. Mr. Jakubowski (Poland), Vice-Chairman, took the Chair.

39. Ms. DILEKÇI (Women's International Democratic Federation) said that, although Turkey was a signatory to several human rights instruments, it continued to be responsible for flagrant violations of those rights. Its authorities had admitted the use of torture and other forms of inhuman and degrading treatment and, at present, it held more than 10,000 political prisoners, the majority Kurds, including the former Member of Parliament Layla Zana. Women prisoners, of whom there were several thousand, were frequently subjected to torture, rape and sexual harassment. There had been hundreds of summary or arbitrary executions by the armed forces in the Kurdish regions of Turkey and hundreds of women, including minors, had been raped by so-called "village guardians". Demonstrations had been held by women's groups, for example the Saturday Mothers - whose weekly gatherings to seek information about the fate of their relatives had been prohibited by the Turkish authorities - and the Association of Mothers for Peace, in which both Kurdish and Turkish women participated, but an attempt to convene an international conference of women for peace in Istanbul had met with an absolute ban.

40. Her organization called on the Turkish Government to bring its Constitution into line with the international conventions and covenants it had ratified and thus solve the Kurdish problem, which was a major obstacle to the democratization of the country and to women's rights.

41. Mr. MÉNARD (Reporters without Borders International) said that, in Tunisia, censorship was a basic constituent of the police State established by President Ben Ali and any criticism of the regime was forbidden. Information was managed directly by the Prime Minister's Office and all institutions that might exert a counterpoise to the regime - the judiciary, Parliament, associations, trade unions, political parties, the university, and, of course, the press - were kept under systematic scrutiny. The grant of copyright and the registration of publications had been turned into a form of pre-emptive censorship; a post office code adopted in May 1999 prohibited all mail threatening public order and national security; self-censorship was the watchword in editorial offices; and all issues of dailies carried a photograph of the President on the first page. During the October 1999 presidential and parliamentary election campaign, all the doings of the President had been reported in the media, while not a word had been said for two months about opposition candidates. The foreign press was strictly controlled and all liberal French newspapers banned. Control and supervision extended to telephones and the Internet. Two

Islamist journalists had been imprisoned since 1992 under extremely harsh conditions and Taoufik Ben Brick, the correspondent of the French daily La Croix had been harassed, kept under police surveillance and had his passport confiscated. The reason for the press self-censorship, "deplored" by the President on 15 November 1999, was in fact the intimidation, harassment, fear and corruption prevailing in his country.

42. Ms. PELZOM (Rural Reconstruction Nepal) said that, in Bhutan, citizens were still denied fundamental human rights and freedoms, including the right to vote, as confirmed by the United States State Department's Country Reports for 1999, which also mentioned the absence of a written Constitution to protect fundamental political and human rights. There were currently over 100,000 southern Bhutanese refugees living in camps in eastern Nepal after expulsion for participation in peaceful demonstrations and the people of eastern Bhutan had also undergone arrest, torture and imprisonment under the National Security Act. On the religious front, the followers of the Nyingmapa sect of Mahayana Buddhism had been similarly ill-treated and hundreds of monks were being detained in various prisons throughout the country. Another case of particular concern was that of Mr. Dorji, Chairman of the Druk National Congress, who was currently on bail in India, but whom the Bhutanese Government was attempting to extradite as a political dissident. Her organization called for the immediate withdrawal of the extradition application and the release of Mr. Dorji as an advocate of democracy and human rights. The judiciary in Bhutan was not independent; there were no lawyers in its courts and judges had seldom attended a law school; they were appointed by the King and remained in office at his pleasure. Her organization called on the Government of Bhutan, which was a member of the Commission, to respect the civil and political rights of its citizens and adopt a written constitution allowing political pluralism.

43. The human rights situation in Malaysia was fast becoming a mockery of the rule of law. Since the submission of the report on Malaysia (E/CN.4/1999/64/Add.1) by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the situation had deteriorated. In May 1999, the Attorney-General had threatened to charge critics of judicial independence and selective prosecution with sedition or criminal defamation and, in November 1999, the Malaysian Bar Council had been prevented from calling an extraordinary meeting to discuss declining confidence in the judiciary, on the grounds that the meeting would constitute contempt of court and sedition. In 2000, there had been bitter attacks on opposition media and both the editor of Harakah, the most popular biweekly newspaper of the opposition party PAS, and the owner of the printing company had been arrested and charged under the Sedition Act. A defence lawyer had also been charged for uttering "seditious" words in the course of his duty as Anwar Ibrahim's counsel.

44. In view of so many human rights concerns in Malaysia, including police brutality, harassment of NGO activists, students and opposition parties, extrajudicial killings by the police and torture of detainees, she urged the Commission to remind the Malaysian Government of its duty to ensure that all human rights without exception were protected.

45. Mr. SISSON (International Fellowship of Reconciliation) said that, although public attention had focused on the repression of the Falun Gong sect, restrictions on religious freedom had long been practised by the Chinese Government in Tibet, where almost 80 per cent of the more than 600 political prisoners were clergy. The reality of that situation had recently been attested by two prominent religious authorities who had fled Tibet: the Abbot of Kumbum monastery, one of the most important in the country, and the 17th Gyalwa Karmapa, the third most important figure in Tibetan Buddhism. Concerns about restrictions on the right to freedom of religious belief and practice had also been raised in the report by the Special Rapporteur on religious intolerance (E/CN.4/1995/91) on his 1994 visit to China. He had, inter alia, mentioned the denial of the right of young people under the age of 18 to receive religious education, which was contrary to article 14 of the Convention on the Rights of the Child, ratified by China in 1992, and had called for the immediate release of members of religious orders imprisoned for "counter-revolutionary acts". Since that time, manifestations of religious intolerance, which the Special Rapporteur had seen as "arbitrary", had become widespread and systematic. The national "Strike Hard" campaign launched in 1996, ostensibly to combat crime and corruption, had been used in Tibet against those supporting independence and professing allegiance to the Dalai Lama. "Work teams" had been sent to monasteries and convents to "re-educate" monks and nuns. In practice, that meant persuading them to adopt Chinese socialist ideas in preference to traditional Tibetan Buddhist teachings and requiring them to sign a five-point political pledge denouncing the Dalai Lama, opposing Tibetan independence and recognizing the authority of the Chinese Government.

46. That campaign was a serious infringement of the right to religious freedom as upheld by article 18 of the Universal Declaration and article 15 of the International Covenant on Civil and Political Rights, to which China had become a party in October 1998. His organization called on the Commission to request China to agree to a follow-up visit by the Special Rapporteur, in particular enabling him to visit the eleventh Panchen Lama, designated by the Dalai Lama, and held incommunicado since May 1995 - making him, at the age of 11, the world's youngest political prisoner; and to support a resolution condemning the Chinese Government for its systematic violations of human rights in Tibet, particularly the right to freedom of expression and religious belief.

47. Ms. LE TALLEC (International Federation of Action of Christians for the Abolition of Torture) said that her organization was deeply concerned about the practice of torture and arbitrary detention in the Democratic Republic of the Congo. The war situation had resulted in atrocities committed against civilians both in the part of the country under government control and in that occupied by foreign troops allied with the rebels. In the former, numerous human rights defenders, journalists, clergymen, leaders of political parties and ex-members of the Zaire armed forces had been detained without trial, while, in the latter, the practice of torture and arbitrary arrest was even more shocking and included mutilation and murder. Her organization called on the Commission to condemn practices destructive of human dignity and to require the conflicting parties to respect the physical and moral integrity of arrested persons.

48. Mr. LEBLANC (Franciscans International), speaking also on behalf of Dominicans for Justice and Peace, said that religious intolerance was at the root of a number of conflicts in many parts of the world and religious minorities were increasingly the targets of bigotry, often instigated by extremist forces. The Special Rapporteur on religious intolerance had drawn attention to the need to review legislation in order to foster a culture of tolerance, but, in countries where religious discrimination was systemic, concerted action by the international community was required. In Pakistan, for example, the separate electoral roll for religious minorities and blasphemy laws 295B and C of the Penal Code actively promoted a culture of intolerance and cut off citizens belonging to minority religious groups from the mainstream of national political life. His organization considered the system of separate electorates to be in violation of articles 2 and 21 of the Universal Declaration of Human Rights and of articles 25 and 26 of the International Covenant on Civil and Political Rights.

49. The right to freedom of expression was stated in that Covenant to include the right to receive and impart information and ideas of all kinds, regardless of frontiers, but, in his report, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/2000/63) had expressed his dismay at the contents of the communications received, which clearly indicated that such rights were violated as a matter of routine in States with widely different political systems. The fact that 91 teachers had been killed in Colombia in 1999 and that 3 out of every 5 trade union leaders killed were from that country made it clearly desirable for the Special Rapporteur to report to the Commission on the situation in Colombia.

50. Mr. MOFFITT (International Human Rights Law Group) said that statistics on action by the police, sentencing, incarceration and application of the death penalty in the United States of America showed an unmistakable pattern of bias against people of colour. The case of an innocent black man, Amadou Diallo, gunned down by four members of the Street Crimes Unit of the New York Police Department - who had all subsequently been acquitted of all charges - was emblematic of the presumption of guilt without evidence of criminal conduct that had become endemic throughout the country. The same pattern was found in the percentage of motorists whose vehicles were stopped and searched. As to incarceration, black men, although constituting only 6 per cent of the population, made up 50 per cent of those in prison, with the further consequence that, as of 1998, 1.4 million blacks had been deprived of their right to vote or hold political office. Similarly, about 90 per cent of those whom federal prosecutors sought to execute were black or Latino and, since 1976, more than 80 per cent of those executed had been convicted of killing whites, although people of colour comprised more than half of all homicide victims. Over the past 50 years, slavery and formal apartheid had been replaced by racial discrimination, and that was reflected in the fact that, although the United States had ratified the International Convention on the Elimination of Racial Discrimination in 1994, the Government had as yet failed to submit a report to the Committee on the Elimination of Racial Discrimination, which was responsible for monitoring compliance with the Convention.

51. His organization urged the Commission to call on the United States Government to honour its obligations under the Convention on the Elimination of Racial Discrimination and other human rights treaties, withdraw reservations and submit timely and accurate reports; to examine the evidence of racial discrimination in the United States criminal justice system; and to include that issue as an item on the agenda of the World Conference Against Racism.

Statements in exercise of the right of reply

52. Mr. NETO (Observer for Angola), replying to the comments on freedom of expression in Angola made by the representative of the International Federation of Journalists at the 29th meeting, said that, while article 32 of the Constitution of the Republic of Angola guaranteed freedom of expression to all citizens, that did not mean that a journalist could use that freedom to defame or insult other people; any such action was punishable under Angolan law. The limit of personal freedoms was where they encroached that of other citizens. Article 19 of the International Covenant on Civil and Political Rights recognized that limit in specifying that freedom of expression was subject to "respect of the rights or reputations of others". The International Federation of Journalists had referred to the case of Rafael Marques, a journalist who had insulted and defamed the President of the Republic of Angola. He should have been aware that laws had to be respected by all citizens, including journalists. In referring matters relating to article 19 of the Covenant to the courts, the Republic of Angola had demonstrated its profound respect for democracy by recognizing that the law took precedence over political considerations.

53. Mr. OGURTSOV (Observer for Belarus), replying to allegations against his country made by the representative of the International League for Human Rights, said that, in all countries, oppositions were unhappy not to be in power, but it had been left for the Belarusian opposition to air its discontent in international forums through a spokesman masquerading as the representative of an NGO. His delegation had already described at length the measures taken to ensure compliance with the International Covenant on Civil and Political Rights. As to freedom of the press, in the first quarter of 2000, some 1,090 periodicals had been registered, only 200 of which were State publications. It was a fact of life that some publications closed down when they failed to keep up with the competition, but that was certainly not to be attributed to malfeasance on the part of the Belarusian authorities. As to freedom of movement, members of the opposition had been able to go abroad without restriction, pursue their anti-government activities there and then quietly return home. His delegation had indeed stated that some 200 people had been arrested for failing to comply with police requirements, but, once reporters had shown their credentials, they had received an apology and had been released. As to disappearances, a supposed missing person had eventually turned out to be in a western country from which he was making bitter attacks on the Belarusian Government. That was the way people "vanished" in Belarus. His Government had invited the High Commissioner for Human Rights and the Special Rapporteur on the independence of the judiciary to visit the country, to talk to people and to see the situation for themselves. He could assure the Commission in advance that what they discovered would bear no resemblance to the allegations by the representative of the NGO.

54. Mr. AL-ERYANI (Observer for Yemen), replying to comments made by the representative of Liberation, said that, in Yemen, the National Assembly, which represented a range of political opinions that enjoyed popular support, was the only body empowered to discuss and adopt laws. The Consultative Council, on the other hand, was appointed by all political parties; its role was purely advisory and its comments did not have binding force. The representative of Liberation had stated that the National Committee for Human Rights was dominated by certain members, but had failed to mention that the memberships included the Deputy Prime Minister, the Minister for Foreign Affairs, who was the President of the

Committee, and the Ministers of Justice, Labour and Social Security. The membership of the Committee had been established at a very high level in order to ensure that national laws were in conformity with the International Covenant on Civil and Political Rights. The representative of Liberation had also failed to mention the adoption of an amnesty law by the Government and the programme of economic and social reforms launched in 1995, the success of which was recognized by international organizations, including the International Monetary Fund and the World Bank. The Government had also initiated a programme of administrative and judicial reform. Constitutional reform were the task of elected bodies, which were alone qualified to establish the necessity for them.

The meeting rose at 9 p.m.